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10 Attorneys for Plaintiff
NEO4J, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 NEO4J, INC., a Delaware corporation

15 Plaintiff,

16 v.

17 GRAPH FOUNDATION, INC., an Ohio
corporation,

18 Defendant.
19

CASE NO. 3:19-cv-06226-JSC

**DECLARATION OF CARY CHIEN IN
SUPPORT OF REQUEST TO ENTER
DEFAULT**

1 I, Cary Chien, declare as follows:

2 1. I am an attorney at law, duly licensed to practice before all courts of the State of
3 California, and an associate at the law firm of Hopkins & Carley, a Law Corporation, attorneys of
4 record for Plaintiff Neo4j, Inc. ("Plaintiff" or "Neo4j").

5 2. I make this declaration in support of Neo4j's Request to Enter Default of
6 Defendant Graph Foundation, Inc.

7 3. On October 1, 2019, Plaintiff filed the Complaint in this action against Defendant
8 Graph Foundation;

9 4. On October 17, 2019, Defendant Graph Foundation was served with a Summons
10 in a Civil Action through its registered agent of service or process as shown on the Ohio Secretary
11 of State website, evidenced by the proof of service of summons on file with this Court (ECF No.
12 11). A true and correct copy of the proof of service of summons is also attached hereto as

13 **Exhibit 1;**

14 5. November 7, 2019 was the deadline by which Defendant Graph Foundation was to
15 respond to the Complaint. The time allowed by law for responding has expired;

16 6. Defendant Graph Foundation has not appeared in this action and has not responded
17 to the complaint within the time permitted by law;

18 7. Defendant Graph Foundation has failed to file a pleading or motion permitted by
19 law; and

20 8. Defendant Graph Foundation is neither a minor nor an incompetent person.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct and that this declaration was executed this 12th day of November,
23 2019, at San Jose, California.

24
25 /s/ Cary Chien

26 Cary Chien
27 Attorneys for Plaintiff
28 NEO4J, INC.

EXHIBIT 1

UNITED STATES DISTRICT COURT

for the

Northern District of California

NEO4J, INC., a Delaware corporation

Plaintiff(s)

v.

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Civil Action No. 3:19-cv-6226 JSC

GRAPH FOUNDATION, INC., an Ohio corporation

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Graph Foundation, Inc.
c/o Jeffrey D. Musselman, Agent for Service of Process
140 W. Liberty Street, P.O. Box 218
Wooster, OH 44691

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John V. Picone III
Jeffrey M. Ratinoff
Hopkins & Carley, a Law Corporation
70 South First Street
San Jose, CA 95113

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 10/1/2019



CLERK OF COURT
Susan Y. Soong

Sheila Pash

Signature of Clerk or Deputy Clerk



Civil Action No. 3:19-cv-6226 JSC

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

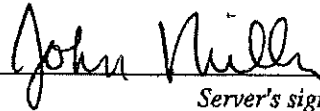
This summons for *(name of individual and title, if any)* GRAPH FOUNDATION, INC C/O JEFFREY D. MUSSELMAN-AGENT FOR SERVICE was received by me on *(date)* 10/16/19.

- ☐ I personally served the summons on the individual at *(place)* _____ on *(date)* _____; or
- ☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____, a person of suitable age and discretion who resides there, on *(date)* _____, and mailed a copy to the individual's last known address; or
- ☒ I served the summons on *(name of individual)* LAVONNE STAUFFER-LEGAL SECRETARY/AUTHORIZED, who is designated by law to accept service of process on behalf of *(name of organization)* GRAPH FOUNDATION, INC C/O JEFFREY D. MUSSELMAN-AGENT FOR SERVICE on *(date)* Thu, Oct 17 2019 @ 2:12 PM; or
- ☐ I returned the summons unexecuted because: _____; or
- ☐ Other: _____; or

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$.

I declare under penalty of perjury that this information is true.

Date: 10/18/19



Server's signature

JOHN MILLER

Printed name and title

LEGAL PURSUIT INC. @ 22 W. St. John Street # B, SAN JOSE, CA 95113

Server's address

Additional information regarding attempted service, etc.: